

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

BENJAMIN P. HERSKOWITZ,
Plaintiff

v.

COUNTY OF LEBANON,
Defendant

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:
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No. 1:13-cv-00431

(Judge Kane)

(Magistrate Judge Carlson)

ORDER

Before the Court in the captioned action is an October 1, 2013 Report and Recommendation of the Magistrate Judge. No timely objections have been filed.

Accordingly, upon review of the record and the applicable law, **IT IS HEREBY**

ORDERED THAT:

1) The Court adopts the Report and Recommendation of Magistrate Judge Carlson.

2) The Defendant's Motion to Partially Dismiss the Complaint (Doc. No. 9) is

DENIED.

3) The case is referred back to Magistrate Judge Carlson for further proceedings.

s/ Yvette Kane
YVETTE KANE, Judge
United States District Court
Middle District of Pennsylvania

Dated: October 21, 2013